

CHAPTER 114
FORMERLY
HOUSE BILL NO. 138
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 1704, Title 15 of the Delaware Code as follows:

§ 1704. Identification of persons who are no longer eligible to vote, establishment of an "inactive state," cancellation of registration and provision for reregistration.

(a) The Department may use a list of persons registered to vote in Delaware and who are registered to vote in another state or who have obtained a Driver's License or State ID card from another state as a source to send an address verification request to those voters.

(b) The Department shall then send an address verification request via forwardable first class mail to each person on the list. The Department shall mail the request to the address at which the person is registered to vote unless the U.S. Postal Service vendor provides an updated address. The request shall ask the person to sign the return card and:

(1) Authorize cancellation of their Delaware voter registration because they are no longer permanent residents of the State; or

(2) Provide the address of their permanent place of residence if they still reside within Delaware.

(c) The address verification request shall include a postage-paid return card or envelope preaddressed to the Department.

(d) The Department, upon receipt of the returned notice and in accordance with the response, shall:

(1) Cancel the person's registration; or

(2) Update the person's voter registration record with the new address if it is within the Department's jurisdiction

(3) Update the person's voter registration record showing that the person has certified that the address on the permanent voter registration record is their permanent place of residence.

(e) 60 days following an address verification mailing in accordance with this section, the Department shall place all persons who did not reply to the address verification request mailed in accordance with this section into "inactive status."

(f) A person shall be returned to active status if the person subsequently returns the return card with a new Delaware address or certification that the person has not changed their address, by completing any other voter registration transaction permitted by this title or by voting in any election conducted in accordance with this title or Title 14.

(g) On or before June 1 of each year following a general election, the State Election Commissioner shall remove from the voting rolls any person who has been in "inactive status" for 2 consecutive general elections.

(h) Persons classified as "inactive" shall remain eligible to vote in any election conducted in accordance with this title. Upon presenting themselves at their polling place they shall affirm in writing under penalty of perjury on the form promulgated by the State Election Commissioner the address of their permanent place of residence. If the person's permanent place of residence is different than the permanent place of residence shown on the person's permanent voter registration record, the person shall be permitted to vote at the polling place for the person's permanent place of residence.

(i) A person properly removed from the voting rolls in accordance with this chapter must reregister in order to vote in any election conducted in accordance with this title. The county director and deputy county director may restore to the voting rolls a person removed in error through the process described in this chapter.

(j) The Department may put those persons who failed to respond to these notices mailed on or before the enactment of this legislation in "inactive status" 60 days after the date of the mailing or the date of the enactment of the legislation whichever is later.

(k) The State Election Commissioner cancel the registration of any person who has been placed in inactive status by this section in accordance with §2014(h) of this title.

Approved August 2, 2017